

Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 SS-15 BNDD-05 CIAE-00 INR-10 IO-12

JUSE-00 NSAE-00 RSC-01 SNM-02 SY-10 TRSE-00 USIA-12

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3956

C O N F I D E N T I A L TOKYO 6181

DEPARTMENT PASS BUREAU OF CUSTOMS

DEPARTMENT PASS BUREAU OF NARCOTICS AND DANGEROUS DRUGS (BNDD)

E. O.: GDS

TAGS: SNAR, CGEN, JA

SUBJECT: NARCOTICS: EXTRADITION FOR NARCOTICS OFFENSES BETWEEN
JAPAN AND US

SUMMARY: IN ORDER TO FACILITATE NARCOTICS ENFORCEMENT WORK
INVOLVING JAPAN, EMBASSY BELIEVES IT IMPORTANT THAT NARCOTICS
OFFENSES BE MADE EXTRADITABLE OFFENSES BETWEEN US AND JAPAN
AS SOON AS POSSIBLE. ACTION REQUESTED: EMBASSY REQUESTS
DEPARTMENT'S GUIDANCE ON HOW THIS OBJECTIVE MIGHT BE ACHIEVED
MOST EXPEDITIOUSLY. END SUMMARY

1. IN RECENT WEEKS, US ENFORCEMENT AGENCIES DEALING WITH NARCOTICS
CASES HAVE FOUND THEIR CASE WORK HAS BEEN SEVERELY HAMPERED BY
FACT THAT NARCOTICS OFFENSES ARE NOT EXTRADITABLE UNDER EXISTING
TREATY ARRANGEMENTS WITH JAPAN, IN THIS SITUATION, ENFORCEMENT
OFFICERS WHO ARE WORKING IN CLOSE LIAISON WITH JAPANESE
POLICE HAVE NOT BEEN ABLE TO GUARANTEE THAT, IF JAPANESE POLICE
PERMITTED COOPERATING DEFENDANT TO PROCEED FROM JAPAN TO US
IN FURTHERANCE OF CONTROLLED DELIVERIES OF NARCOTICS LOOKING
TOWARD IDENTIFICATION AND APPREHENSION OF MAJOR NARCOTICS FIGURES
IN US, THAT DEFENDANT COULD BE LEGALLY EXTRADITED FROM US TO
JAPAN SHOULD DEFENDANT REFUSE TO RETURN VOLUNTARILY. IN FUTURE,
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REVERSE PROBLEM INVOLVING POSSIBILITY OF COOPERATING DEFENDANT
IN US BEING ALLOWED PROCEED TO JAPAN MAY WELL OCCUR.

2. ENFORCEMENT AGENCIES IN TOKYO ARE CONVINCED IT IS IMPORTANT
THAT NARCOTICS AND DANGEROUS DRUGS OFFENSES (AS WELL AS
1- SMUGGLING, 2- OFFENSES AGAINST LAWS RELATING TO SALE OR TRANS-
PORTATION OR PURCHASE OF SECURITIES AND 3- CONSPIRACY IN ABOVE)
BE MADE EXTRADITABLE OFFENSES BETWEEN US AND JAPAN AS SOON AS
POSSIBLE. EMBASSY BELIEVES NARCOTICS OFFENSES COULD BE MADE
EXTRADITABLE EITHER BY ENTRY INTO FORCE OF PROTOCOL AMENDING
SINGLE CONVENTION ON NARCOTICS DRUGS, WHICH INCLUDES EXTRADITION
PROVISIONS, OR BY AMENDMENT OF EXISTING US- JAPAN EXTRADITION
TREATY.

3. FONOFF HAS INFORMED EMBASSY THAT DIET WILL PROBABLY GIVE ITS
ASSENT TO GOJ' S RATIFICATION OF PROTOCOL AMENDING SINGLE
CONVENTION ON NARCOTICS DRUGS DURING CURRENT DIET SESSION WHICH
WILL END SOMETIME THIS SUMMER. ALTHOUGH US AND JAPAN WILL THEN
HAVE RATIFIED AMENDMENTS, EMBASSY IS UNABLE TO ESTIMATE HOW LONG
IT WILL BE BEFORE REQUIRED 40 COUNTRIES WILL HAVE RATIFIED
AMENDMENTS BRING THEM INTO FORCE.

4. USG PROPOSED CERTAIN AMENDMENTS TO EXISTING US- JAPAN EXTRA-
DITION TREATY TO GOJ IN 1969. THESE AMENDMENTS WOULD HAVE ADDED
NARCOTICS AND DANGEROUS DRUG OFFENSES (AS WELL AS OTHERS
MENTIONED
PARA 2) TO OFFENSES LISTED IN PRESENT TREATY. ACCORDING TO
EMBASSY' S FILES, DEPARTMENT HAD PROPOSED SENDING OFFICER TO JAPAN
IN EARLY 1972 TO BEGIN NEGOTIATIONS OF AMENDMENTS WITH GOJ
(STATE 230232 OF DEC 24, 1971). WHILE GOJ WAS PREPARED NEGOTIATE
REVISION OF TREATY, PROPOSED VISIT DID NOT MATERIALIZE, AT LEAST
PARTLY BECAUSE OF GOJ RESERVATIONS RE TIMING OF NEGOTIATIONS
(TOKYO 004 OF JAN 3, 1972). EMBASSY IS NOT AWARE OF ANY FURTHER
DISCUSSION OF EXTRADITION TREATY SINCE THEN.

5. ACTION REQUESTED: IN ORDER TO FACILITATE NARCOTICS
ENFORCEMENT WORK INVOLVING JAPAN, EMBASSY BELIEVES IT IS IMPORTANT
THAT NARCOTIC OFFENSES BE MADE EXTRADITABLE ASSOON AS POSSIBLE.
EMBASSY REQUESTS DEPARTMENT' S JUDGMENT ON WHETHER MOST
EXPEDITIOUS
MEANS ACHIEVE THIS WOULD BE TO AWAIT COMING INTO FORCE OF
SINGLE CONVENTION AMENDMENTS OR TO REINITIATE NEGOTIATIONS WITH
GOJ TO REVISE EXISTING EXTRADITION TREATY. IF IT IS JUDGED
THAT REVISION OF US- JAPAN EXTRADITION TREATY WOULD BE
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QUICKEST MEANS, EMBASSY WOULD APPRECIATE RECEIVING INSTRUCTIONS
ON HOW TO APPROACH GOJ.
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